**€** 01-26-04 5:47 PM **€** 

RESOLUTION ON IMPEACHMENT AUTHORITY				
2004 GENERAL SESSION				
STATE OF UTAH				
Sponsor: John L. Valentine				
LONG TITLE				
General Description:				
This joint resolution of the Legislature proposes to amend the Utah Constitution to				
modify provisions relating to impeachment.				
Highlighted Provisions:				
This resolution proposes to amend the Utah Constitution to:				
<ul> <li>modify a provision regarding officers subject to impeachment to make justices of</li> </ul>				
the peace subject to impeachment;				
<ul> <li>eliminate a provision limiting to expenses and mileage the compensation that</li> </ul>				
legislators may receive for days beyond the number allowed for annual general or				
special sessions when trying cases of impeachment;				
<ul> <li>clarify that the House may convene for the purpose of impeachment when not</li> </ul>				
already in an annual general session or a session convened by the governor;				
<ul><li>clarify that, upon impeachment by the House, the Senate shall, if not already</li></ul>				
convened in an annual general session, convene for the purpose of trying the				
impeachment; and				
make technical changes.				
Special Clauses:				
This resolution directs the lieutenant governor to submit this proposal to voters.				
This resolution provides an effective date.				
<b>Utah Constitution Sections Affected:</b>				
AMENDS:				



	ARTICLE VI, SECTION 16				
	ARTICLE VI, SECTION 17				
	ARTICLE VI, SECTION 18				
ARTICLE VI, SECTION 19					
Ī	Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each				
(	of the two houses voting in favor thereof:				
	Section 1. It is proposed to amend Utah Constitution Article VI, Section 16, to read:				
Article VI, Section 16. [Duration of sessions.]					
	(1) No annual general session of the Legislature [shall] may exceed 45 calendar days,				
6	except in cases of impeachment.				
	(2) No [special] session [shall] of the Legislature convened by the Governor under				
4	Article VII, Section 6 may exceed 30 calendar days, except in cases of impeachment. [When				
7	any session of the Legislature trying cases of impeachment exceeds the number of days it may				
1	remain in session as provided in this section, the members shall receive compensation only for				
Ć	expenses and mileage for those days in excess of 30.]				
	Section 2. It is proposed to amend Utah Constitution Article VI, Section 17, to read:				
	Article VI, Section 17. [Impeachment by House.]				
	(1) The House of Representatives shall have the sole power of impeachment, but in				
(	order to impeach, two-thirds of all the members elected must vote therefor.				
	(2) If not already convened in an annual general session, the House of Representatives				
1	may convene for the purpose of impeachment if a poll of members conducted by the Speaker of				
<u>t</u>	the House indicates that two-thirds of the members of the House of Representatives are in				
1	favor of convening.				
	Section 3. It is proposed to amend Utah Constitution Article VI, Section 18, to read:				
	Article VI, Section 18. [Trial of impeachment by Senate.]				
	(1) All impeachments shall be tried by the Senate, and senators, when sitting for that				
1	purpose, shall take oath or make affirmation to do justice according to the law and the				
6	evidence.				
	(2) Upon an impeachment by the House of Representatives, the Senate shall, if not				
,	already convened in an annual general session, convene for the purpose of trying the				

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59	impeachment.
60	(3) When the Governor is on trial, the Chief Justice of the Supreme Court shall preside
61	(4) No person shall be convicted without the concurrence of two-thirds of the senators
62	elected.
63	Section 4. It is proposed to amend Utah Constitution Article VI, Section 19, to read:
64	Article VI, Section 19. [Officers liable for impeachment Judgment
65	Prosecution by law.]
66	The Governor and other State and Judicial officers[, except justices of the peace,] shall
67	be liable to impeachment for high crimes, misdemeanors, or malfeasance in office; but
68	judgment in such cases shall extend only to removal from office and disqualification to hold
69	any office of honor, trust, or profit in the State. The party, whether convicted or acquitted,
70	shall, nevertheless, be liable to prosecution, trial, and punishment according to law.
71	Section 5. Submittal to voters.
72	The lieutenant governor is directed to submit this proposed amendment to the voters of
73	the state at the next regular general election in the manner provided by law.
74	Section 6. Effective date.
75	If the amendment proposed by this joint resolution is approved by a majority of those
76	voting on it at the next regular general election, the amendment shall take effect on January 1,
77	<u>2005.</u>

## Legislative Review Note as of 1-26-04 3:20 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

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Bill Nun	nber	SJR006

## **Resolution on Impeachment Authority**

02-Feb-04 10:52 AM

## **State Impact**

It is estimated that publication and distribution costs to put this resolution on the ballot would be \$11,500 from the General Fund.

	FY 2005 Approp.	FY 2006 Approp.	FY 2005 Revenue	FY 2006 Revenue
General Fund	\$11,500	\$0	\$0	\$0
TOTAL	\$11,500	\$0	\$0	\$0

## **Individual and Business Impact**

No fiscal impact.

Office of the Legislative Fiscal Analyst